



# Investigatory Powers Act 2016

## 2016 CHAPTER 25

### PART 6

#### BULK WARRANTS

#### CHAPTER 1

##### BULK INTERCEPTION WARRANTS

*Restrictions on use or disclosure of material obtained under warrants etc.*

#### **152 Safeguards relating to examination of material**

- (1) For the purposes of section 150 the requirements of this section are met in relation to the intercepted content and secondary data obtained under a warrant if—
  - (a) the selection of any of the intercepted content or secondary data for examination is carried out only for the specified purposes (see subsection (2)),
  - (b) the selection of any of the intercepted content or secondary data for examination is necessary and proportionate in all the circumstances, and
  - (c) the selection of any of the intercepted content for examination meets any of the selection conditions (see subsection (3)).
- (2) The selection of intercepted content or secondary data for examination is carried out only for the specified purposes if the intercepted content or secondary data is selected for examination only so far as is necessary for the operational purposes specified in the warrant in accordance with section 142.

In this subsection “specified in the warrant” means specified in the warrant at the time of the selection of the intercepted content or secondary data for examination.

- (3) The selection conditions referred to in subsection (1)(c) are—
  - (a) that the selection of the intercepted content for examination does not breach the prohibition in subsection (4);

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**Changes to legislation:** *Investigatory Powers Act 2016, Section 152 is up to date with all changes known to be in force on or before 17 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (b) that the person to whom the warrant is addressed considers that the selection of the intercepted content for examination would not breach that prohibition;
  - (c) that the selection of the intercepted content for examination in breach of that prohibition is authorised by subsection (5);
  - (d) that the selection of the intercepted content for examination in breach of that prohibition is authorised by a targeted examination warrant issued under Chapter 1 of Part 2.
- (4) The prohibition referred to in subsection (3)(a) is that intercepted content may not at any time be selected for examination if—
- (a) any criteria used for the selection of the intercepted content for examination are referable to an individual known to be in the British Islands at that time, and
  - (b) the purpose of using those criteria is to identify the content of communications sent by, or intended for, that individual.

It does not matter for the purposes of this subsection whether the identity of the individual is known.

- (5) The selection of intercepted content (“the relevant content”) for examination is authorised by this subsection if—
- (a) criteria referable to an individual have been, or are being, used for the selection of intercepted content for examination in circumstances falling within subsection (3)(a) or (b),
  - (b) at any time it appears to the person to whom the warrant is addressed that there has been a relevant change of circumstances in relation to the individual (see subsection (6)) which would mean that the selection of the relevant content for examination would breach the prohibition in subsection (4),
  - (c) since that time, a written authorisation to examine the relevant content using those criteria has been given by a senior officer, and
  - (d) the selection of the relevant content for examination is made before the end of the permitted period (see subsection (7)).
- (6) For the purposes of subsection (5)(b) there is a relevant change of circumstances in relation to an individual if—
- (a) the individual has entered the British Islands, or
  - (b) a belief by the person to whom the warrant is addressed that the individual was outside the British Islands was in fact mistaken.
- (7) In subsection (5)—
- “senior officer”, in relation to a warrant addressed to the head of an intelligence service, means a member of the intelligence service who—
- (a) is a member of the Senior Civil Service or a member of the Senior Management Structure of Her Majesty's Diplomatic Service, or
  - (b) holds a position in the intelligence service of equivalent seniority to such a member;
- “the permitted period” means the period ending with the fifth working day after the time mentioned in subsection (5)(b).
- (8) In a case where the selection of intercepted content for examination is authorised by subsection (5), the person to whom the warrant is addressed must notify the Secretary of State that the selection is being carried out.

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#### Commencement Information

**II** [S. 152](#) in force at 27.6.2018 by [S.I. 2018/652](#), **reg. 10(a)** (with [reg. 16\(5\)](#))

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 3 para. 8A and cross-heading inserted by [2023 c. 32 Sch. 18 para. 10\(2\)](#)
- Sch. 3 para. 20(2)(ha)(hb) inserted by [2023 c. 32 Sch. 18 para. 10\(3\)\(a\)](#)